



AY/3624

TEE 2000-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: *Erisman, Terry*) **RESPONSE UNDER 37 C.F.R.**
Serial No.: *09/560,203*) **1.116 – EXPEDITED PROCEDURE**
Filed: *4/28/2000*) **– GROUP Art Unit: 3624**
For: *Method & Apparatus for Auctioning Items*) **Examiner: Akers, Geoffrey R.**

RESPONSE B AFTER FINAL PURSUANT TO 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Applicant respectfully responds to the final office rejection as follows:

REMARKS

Original claims 1 – 102 are pending.

The claims were again rejected under a single § 103 count in light of *Mori* (U.S. Patent No. 6,044,363) in view of *Barzilai* (US Patent No. 6,012,045), *Godin* (U.S. Patent No. 6,266,652) and *Aggarwal* (U.S. Patent No. 6,151,589). These rejections are addressed below through amendment, traverse, and argument.

It appears to the Applicant that the Examiner is relying on a mistaken understanding of *Mori* in maintaining the present rejections. Since the understanding by the Examiner is demonstrably wrong, the Applicants submit that the present rejection cannot possibly stand.

On page 7, paragraph 4, the Examiner postulates that the *Mori* reference teaches the claimed invention, by arguing that multiple bids could in fact be entered by a single person, and that the “rules editor” of *Mori* would coalesce these bids so long as they fall within a specific zone. Even